

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 27, 2004

**D045425 Debra W. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorney for petitioner Debra W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043344 People v. Arms

The sentence, insofar as the court imposed the upper term for the assault conviction, is vacated; in all other respects, the judgment is affirmed. The case is remanded to the superior court to conduct a new sentencing hearing consistent with the principles discussed in this opinion. McDonald, J.;

I concur: Aaron, J., I concur and dissenting, Benke, Acting P.J.

D042713 Marcus v. Regents of the University of California

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., Aaron, J.

D043732 Gregg Forest Products, Inc. v. Sparza

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D042327 Valladolid v. County of San Diego Board of Supervisor et al.

The request for publication of the opinion is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 28, 2004

D043623 People v. Jones

For the foregoing reasons, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., Aaron, J.

D044626 In re Julian C., a Juvenile

The orders are affirmed. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.

D043749 People v. Foust

The judgment is affirmed. Benke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D042110 People v. Carapia

We reverse and remand for representing in accordance with the views expressed in this opinion. The judgment is otherwise affirmed. McConnell, P.J.; I Concur: Haller, J.; Concurring and Dissenting opinion: McDonald, J.

D045097 In re N. D., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

D045574 In re Brittney H., a Juvenile

A judgment of contempt which is made final and conclusive by Code of Civil Procedure section 1222 is not an appealable order. (Code Civ. Proc., section 904.1, subd. (a)(2).) The appeal filed on December 13, 2004, is dismissed.

D045165 People v. Shirley

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 29, 2004

D043626 Bell v. Greg Agee Construction Inc., et al.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: Nares, Acting P.J., Irion, J.

D043150 Barno et al. v. The Copley Press Inc., et al.

The judgment is affirmed. The parties are to bear their own costs on appeal. O'Rourke, J.;
We Concur: Nares, Acting P.J., Irion, J.

D043936 People v. Lawson

The conviction and sentence are affirmed but for the award of credit for time served. The award of one-day credit for time served is reversed and the matter is remanded for recompilation of presentence custody credits. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D044933 In re Shane R et al., Juveniles

The appeal is dismissed. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D044219 People v. Villa

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

D044209 In re Olivia J., a Juvenile

The petition for rehearing is denied.

D044209 In re Olivia J., a Juvenile

It is ordered that the opinion filed herein on December 2, 2004 be modified. There is no change in judgment.

D043736 People v. Diaz

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D044848 Adoption of Rachael E., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D044947 In re Faustino R., a Juvenile

The appeal is dismissed. McIntyre, Acting P.J.; We Concur: Aaron, J., Irion, J.

**D045359 Michael D. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned.

The case is dismissed.

**D045387 Anthony T. v. Superior Court of San Diego County/San Diego County
Health and Human Services Agency**

The attorney for petitioner Anthony T. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 29, 2004 (Continued)

D041515 People v. Fierro

The judgment is affirmed. Haller, J.; I Concur: Nares, J., I Concur in the result: Benke, Acting P.J.

D043125 Independent Energy Producers Association, Inc. v. State Board of Equalization

The opinion filed November 29, 2004, is ordered certified for publication.

D045283 In re Cooper on Habeas Corpus

The petition is denied.

D045483 Nguyen v. Superior Court of San Diego County/People

Let a writ of mandate issue directing the superior court to vacate its November 17, 2004 order, conduct further proceedings to determine the propriety of bail on appeal and enter an order consistent with the statute, stating reasons in support of an order granting or denying a motion for bail on appeal. This opinion will be final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) McConnell, P.J.; We Concur: Nares, J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
DECEMBER 30, 2004

D044000 Gonzales et al. v. Western Mutual Insurance Company

Judgment reversed. Western to pay plaintiffs' costs on appeal. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D044151 In re Evelyn A. et al, Juveniles

The judgment and order are affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.

D044244 Voss v. Superior Court of San Diego County/XDI Ultrasound, Inc.

The order to show cause issued on June 29, 2004, is discharged as improvidently granted. The October 22, 2004, order submitting the matter is vacated. The petition is denied.

D043413 People v. Pardew

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D042992 Rudolph & Sletten, Inc. v. KTA Construction, Inc.

Upon written request filed by appellant, the appeal is dismissed.

D044742 Lackey et al. v. Zines et al.

Upon written stipulation filed by the parties, the appeal is dismissed.

D045605 Foster v. Superior Court of San Diego County/People

The petition is denied.